REMARKS/ARGUMENTS

The amendment to Claim 30 is supported by the specification and by Claim 31. No new matter has been entered.

Applicants greatly appreciate the indication that Claims 21-29 are allowable.

As noted at specification page 2, the fact that conventional macrolide compounds have strong antibacterial activity does not allow their broader use in the chronic treatment of inflammatory processes not caused by pathogenic microorganisms, as this could give rise to the rapid development of resistant strains. Macrolide compounds that show antiinflammatory activity but which are simultaneously free of antibiotic properties are thus highly desirable. As discussed at specification page 5, a key structural element in such compounds to date has been the presence of L-cladinose in position 3 on the ring of the macrolide compound. However, and as described as specification page 5, lines 17-20, the present inventors have now found, surprisingly, that by removing the cladinose in position 3 from macrolide derivatives new compounds are obtained that are endowed with antiinflammatory activity and which are substantially free of antibiotic properties. As will be discussed in detail below, the present claims are directed to such compounds and their use, and do not read on "an old compound in water."

The rejection over Bonnet is traversed. This rejection has been upheld, with the Office taking the position that "Bonnet et al disclose substituted benzyl, such as phenyl (column 1, lines 32-35 and column 2, lines 10-11). The composition claim encompasses nothing more than an old compound in water." See page 3 of the Official Action.

Contrary to the position of the Office, Bonnet does not disclose compounds according to the claims. A phenyl group is not an example of a substituted benzyl group. A phenyl

group is a simple $-C_6H_5$ group.[1] A benzyl group, on the other hand, is a group of the formula $-CH_2-C_6H_5$.[2] Benzyl is not substituted phenyl, it is a different radical altogether. A substituted phenyl group is, e.g., $-C_6H_4Cl$, not benzyl. This fact that substituted benzyl does not include phenyl and *vice versa* is supported by Bonnet itself, where, using art-accepted terminology the benzyl group is *separately identified* from the phenyl group as an aralkyl group. See col. 2, lines 11-15 of Bonnet (emphasis added):

> the **aryl** radical is preferably the **phenyl** radical, or a naphthyl radical,
> the **aralkyl** radical is preferably a **$(C_6H_5)-(CH_2)_a$** radical, **a being** an integer comprised between **1** and 6, for example the number 1, 2, 3 or 4; the aralkyl radical can be for example, an optionally substituted benzyl radical or a trityl radical,

Moreover, in Bonnet there is no disclosure of a substituted phenyl (aryl) group whatsoever. Accordingly, the rejection over Bonnet should be reconsidered and withdrawn.

The rejection over Lundy is traversed. This rejection has been upheld, with the Office taking the position that "Lundy et al also disclose compounds where R3 is hydrogen and R4 is hydroxy." See page 3 of the Official Action.

In the present claims R3 is never hydrogen and R4 is never hydroxy. Rather, in Claims 1 and 30 R_3 is a hydroxy group or forms a group $=N-O-R_5$ together with R_4, and R_4 is

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[1] Phenyl - a monovalent aryl radical C_6H_5- derived from benzene by removal of one hydrogen atom [Merriam-Webster Dictionary; http://www.m-w.com/dictionary/phenyl]; In chemistry, the phenyl group or phenyl ring (often abbreviated as -Ph) is the functional group with the formula $-C_6H_5$ where the six carbon atoms are arranged in a cyclic ring structure. [http://en.wikipedia.org/wiki/Phenyl].

[2] Benzyl - a monovalent radical $C_6H_5CH_2$ derived from toluene [http://medical.merriam-webster.com/medical/benzyl]; Note that in the Wikipedia definition for phenyl it is noted that "In substituent nomenclature, benzyl and phenyl are commonly confused." [http://en.wikipedia.org/wiki/Benzyl].

a hydrogen atom or forms a group =N-O-R_5 together with R_3. Moreover, the proviso in Claim 1 that:

> R_1 is not a dimethylamino group when R_3 is hydroxy, and both R_2 and R_4 are a hydrogen atom;
>
> R_1 is not a dimethylamino group when in the substituent =N-O-R_5 in the 9 position, R_5 is a hydrogen atom, a linear or branched C_1-C_5 alkyl, an unsubstituted benzyl group, or a chain -(CH_2)r-X-(CH_2)m-Y-(CH_2)n-A where r is 1, X is O, m is 2, Y is O, n is 1, and A is H;
>
> R_1 is not a methylethylamino group when in the substituent =N-O-R_5 in the 9 position, R_5 is a linear or branched C_1-C_5 alkyl, or an unsubstituted benzyl group.

in combination with the fact that in the present invention R3 is never hydrogen and R4 is never hydroxy clearly excludes the compounds disclosed in Lundy. In view of the above, and the fact that Claim 30 is now a method claim for the treatment and prophylaxis of an inflammatory disease (which use is not suggested by the reference), the rejection over Lundy should be reconsidered and withdrawn.

The rejection over Ku is traversed. Claim 20 excludes compounds where R_1 is an N,N-dimethyl amino group and compounds where R_1 is an N,N-dimethyl amino-N-oxide group when R is a hydrogen atom. This is the only coherent understanding of the claim as previously presented, and the claim has been clarified above without further limiting it. Accordingly, the rejection over Ku should be reconsidered and withdrawn.

Finally, the rejection of Claims 17-19 over Bonnet or Lundy in view of Agouridas is traversed as none of the references disclose the compounds as claimed, as discussed above.

Accordingly, and in view of the above remarks, Applicants respectfully request the reconsideration and withdrawal of the outstanding rejections, and the passage of this case to Issue.

Respectfully submitted,

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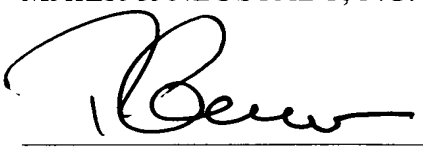

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